

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LUCAS JIRON,

Plaintiff,

v.

No. 1:21-cv-1213 MV/KRS

VALENCIA COUNTY BOARD OF
COUNTY COMMISSIONERS, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on the Court's Order Setting Telephonic Status Conference, (Doc. 37), filed October 12, 2022, and Order resetting the time of the hearing, (Doc. 40), filed November 7, 2022. The Court set a telephonic hearing for November 16, 2022, to discuss Plaintiff's counsel's Motion to Withdraw from Representation and the Attorney-Client Relationship, (Doc. 36), and determine whether Plaintiff intends to obtain substitute counsel or proceed pro se.

The Court ordered Plaintiff and counsel to appear for the November 16, 2022 telephonic hearing, and the Court mailed the Order to Plaintiff at the addresses provided by his counsel in the Motion to Withdraw. *See* (Doc. 37). Plaintiff's counsel filed a certificate of service that he sent copies of the notice of the hearing to Plaintiff at four addresses by certified mail with return receipts, and he provided Plaintiff with notice of the hearing through text communications. (Doc. 41). On November 16, 2022, Plaintiff failed to appear at the scheduled hearing. Plaintiff's counsel informed the Court that Plaintiff did not respond to the text messages about the hearing and counsel called Plaintiff the day before the hearing, but Plaintiff did not answer and his voice mailbox was full. *See* (Doc. 43) (clerk's minutes).

The Court may impose sanctions for Plaintiff's failure to comply with the Court's orders and failure to prosecute his case based on the Court's inherent power to regulate its docket and promote judicial efficiency. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003); *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005); *see also* Fed. R. Civ. P. 41(b) (authorizing courts to dismiss an action *sua sponte* for failure to prosecute).

IT IS THEREFORE ORDERED that **no later than December 5, 2022**, Plaintiff shall respond in writing to this Order and: (1) show cause why this case should not be dismissed for Plaintiff's failure to comply with the Court's orders or to prosecute his case; and (2) provide the Court with a current and valid mailing address and phone number, pursuant to Local Rule 83.6. Failure to respond to this Order may result in this case being dismissed without prejudice and without further notice.

IT IS SO ORDERED.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE